

# **Final Program Accomplishments & Lessons Learned Report**

## **The United States Agency for International Development**

### **“Building Mediation Services in Lithuania and a Mediation Association in Hungary” Grant No. EDG-G-00-01-00017-00**

#### **Partners for Democratic Change**

**September 2001 – September 2003**

---

This report provides an overview of accomplishments and lessons learned from Partners for Democratic Change’s two-year program, “Building Mediation Services in Lithuania and a Mediation Association in Hungary.” Throughout the grant period, Partners worked with its local implementing partners, Baltic Partners for Change Management (BPCM) and Partners Hungary Foundation (PHF), to pursue the overall goal of strengthening sustainable partnerships to develop a mediation service in Lithuania and a national association in Hungary. This report highlights the program’s objectives, successes and lessons learned, and demonstrates that Partners well exceeded the original terms of the grant.

#### **I. LITHUANIA**

##### **A. OBJECTIVES**

Partners and BPCM pursued the following objectives under this component of the program:

- Develop the infrastructure for a mediation service in BPCM, including intake and management systems and referral sources
- Implement an outreach and education campaign in Lithuania that raises awareness of and interest in mediation
- Create a panel of Lithuanian mediators composed of diverse professionals
- Provide sustainable conflict resolution services to diverse constituents
- Promote public policies in Lithuania that recognize and legitimate mediation as a viable alternative to litigation

##### **B. ACCOMPLISHMENTS**

Partners and BPCM have established a mediation service in Vilnius that receives approximately 40 cases per year and provides dispute resolution services to a range of constituents. Services focus on addressing family and property disputes, as well as business and other community issues. Staff developed a set of procedures by which the service is managed, including: two mediators decide whether a case is suitable for mediation, dispute resolution only provided at neutral center (not in disputants’ homes), two mediators always mediate sessions, and BPCM offers other dispute resolution service if disputants do not agree to mediation. In addition, BPCM developed an information management system composed of linked databases that allow program managers to track the status of cases and monitor communication with disputants, as well as

identify and analyze areas of success and deficiency in reaching targeted groups through outreach activities.

The following tables summarize the quantity and nature of disputes addressed:

Case status	1 <sup>st</sup> Quarter	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	Total
<b>Open cases:</b>									
1. Intake in progress	--	--	--	--	--	--	--	12	12
2. Mediation session in progress	--	--	--	--	--	--	--	3	3
<b>Closed cases:</b>									
1. Mediation <sup>1</sup>									
- Agreement				1	2	1	4		8
- Single party session						1		4	5
- No outcome	1								1
2. Conciliation <sup>2</sup>		1	6		7		1		15
3. Mitigation <sup>3</sup>					3		2		5
4. Inquiry with no outcome			2		6	1	2	2	13
<b>TOTAL</b>									<b>62</b>

Nature of dispute	1 <sup>st</sup> Quarter	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	Total
<b>Family:</b>									
1. Divorce	1		1		7	1	2	2	14
2. Alimony			2	1	3				6
3. Childcare					1				1
4. Other			1		4	1	1	2	9
<b>Property</b>			2		8	1	1	3	15
<b>Community</b>		1	1		3		3		8
<b>Other</b>					7		2		9
<b>TOTAL</b>									<b>62</b>

The service has proved sustainable beyond the grant period through complementary income generation activities, such as mediation training contracts and additional grants. Fee-for-service clients have included the Ministry of Internal Affairs, Ministry of Environmental Protection, Lithuanian Confederation of Trade Unions, the Hotel Ecotel, police forces, social welfare services, insurance consultants, and local NGOs. Meanwhile, BPCM has secured grants from the Baltic American Partnership Program (BAPP) and European Union Phare Access program, and has one pending from the Netherlands Ministry of Foreign Affairs, which, in cooperation with Partners and VNG International, will build upon this program through disseminating conflict management skills to government officials and facilitating citizen participation initiatives.

<sup>1</sup> Disputants meet in person with third party neutral to reach a written or oral agreement

<sup>2</sup> Written or oral agreement reached through mediator's facilitation without disputants meeting in person

<sup>3</sup> De-escalation of conflict through neutral's intervention; typically, parties resolve dispute on their own

A significant reason for the success of the service has been an extensive outreach campaign to build awareness of mediation throughout the country. Mediation is hardly known in Lithuania, and so BPCM staff completed a range of outreach activities to diverse groups utilizing in-person presentations, radio programs, articles in magazines and newspapers, as well as materials such as a video, posters, and flyers. These efforts targeted beneficiaries included the Ministry of Justice, Ministry of Social Welfare & Labor, U.S. Embassy, Lithuanian Red Cross, Save the Children, NGO Support Centers, Labor Market Training Service, Police Commissariat of Vilnius, Vilnius Men's Penitentiary, Lithuanian Union of Persons with Disabilities, Lithuanian Law University, Vilnius Gediminas Technical University, bailiff offices, police forces, legal clinics, and social service agencies. The highlight of the campaign was a national radio interview that resulted in more than 50 inquiries. In addition to building awareness of mediation, these activities developed referral sources for cases from complementary institutions, including the bailiff's office, Vilnius Legal Clinic, social service agencies, and other NGOs.

In addition, BPCM has worked beyond the terms of the grant and extended its impact through establishing two community-based satellite mediation services in the Elektrenai and Siauliai municipalities. These services are housed within community centers, and have received a range of trainings and technical assistance from BPCM to build capacity and deliver services. After only a few months of existence, the satellites have already received eight cases, which largely assist disadvantaged groups within the communities. In response to diverse local needs, the Elektrenai center has focused on community disputes, while Siauliai targets family and property conflicts.

BPCM developed two mediator panels to disseminate skills and assist with outreach and service delivery. Mediator Panel 1 (MP1) includes Vilnius-based professionals who utilize their contacts to assist with the promotion of mediation and also work with BPCM to co-mediate cases. Meanwhile, Mediator Panel 2 (MP2) includes representatives from the two satellite centers who focus on managing their local services. Through a series of trainings by BPCM staff and Partners' international experts, these diverse professionals acquired communication, negotiation, mediation and other conflict management skills, as well as expertise in service development, outreach and public relations. MP1 members have formed a peer support network and regularly meet for capacity building opportunities and to discuss successes and challenges; they have also developed a standard of ethics as a guide for the profession.

In addition, BPCM has addressed community-wide conflict issues through implementing cooperative planning initiatives in eight neighborhoods of Elektrenai municipality and three in Sirvintos municipality. BPCM first conducted thorough stakeholder analyses, and then delivered a series of capacity building trainings for community leaders to prepare them for a participatory decision-making process. BPCM facilitated several sessions in each community to address pressing local issues, and as a result, participants formed six Citizen Boards (three in each municipality) that provide a mechanism through which local government and citizens can interact and cooperate.

Finally, BPCM is pursuing the institutionalization of mediation in Lithuania through promoting public policies that recognize mediation as an official dispute resolution process. Following several months of research, BPCM produced a Public Policy Report that defines the mediation

process and principles, analyzes the potential for mediation to develop in Lithuania, and identifies areas for its introduction in Lithuanian legislation (this report was also translated into English). BPCM has met with several key policymakers in the Ministry of Justice and Ministry of Social Welfare & Labor to promote its recommendations, and will continue this effort for the official sanctioning of mediation.

### C. LESSONS LEARNED

***A targeted, ongoing outreach campaign is critical to build local support for mediation and the service.*** After initial broad-based outreach activities, BPCM focused its efforts on reaching constituents and institutions with family disputes; after building some momentum, BPCM then broadened its scope of activities. In general, BPCM's educational efforts reached diverse audiences, including NGOs, government officials, policymakers, lawyers, judges, businesspersons, social workers, university officials and educators. Staff tailored the outreach materials and messages to different groups to meet their varying interests. Beneficiaries noted that video presentations were significantly more effective, considering the lack of knowledge of mediation and desire to "see" the process. Further, BPCM found that NGOs and universities were especially receptive to outreach, whereas government institutions required repeated efforts; a series of trainings for the Ministries of Internal Affairs and Environmental Protection served very well in building confidence in mediation and BPCM.

***Strong relationships with complementary institutions are key to receiving referrals for potential cases for mediation.*** BPCM developed bilateral relations with a range of community institutions, including community-based (social service centers, family clinics), private (businesses, lawyers), and official (police, judges). These individuals and institutions were critical to building momentum for the service and forming an informal network of support for mediation.

***Bringing the second party in a dispute "to the table" has proved to be challenging in the Lithuanian context.*** In nearly all cases, one disputant initiated mediations by BPCM, while the other party had little or no knowledge of mediation as a dispute resolution process. BPCM agreed to inform the responding party about mediation, but decided to give the main responsibility for bringing in the second party to the initiator; in this way, the disputants truly owned the process and BPCM remained neutral. As a result, the intake stage can be quite long (up to six months), but the impact proves to be sustainable in the long-term.

***Developing a cadre of mediators is important to assist in service provision, promoting mediation, and building support among diverse constituents.*** BPCM's full-time staff drew from the expertise of external professionals to develop an effective, broad-based mediation service. In working with these diverse mediators, BPCM provided skill building trainings, co-mediations and other opportunities for professional development. BPCM also engaged the mediators in monthly meetings to build relationships and develop a real network of peers.

***Mediation skills dissemination is an effective strategy to complement the service.*** BPCM's goal was to provide a reputable service with recognized standards and qualifications for mediators and the mediation process, not to centralize or "own" mediation in the country. Thus, by training

representatives from different backgrounds and institutions, BPCM has created high quality capacity for mediation, while also disseminating skills to various sectors and institutions. In this way, many disputes can be resolved through mediation at the point of the conflict, rather than sending the case to a centralized service. Further, through disseminating skills, BPCM has improved knowledge, and thus increasing numbers of people are utilizing mediation in Lithuania; in fact, several government, business and nonprofit institutions have requested additional trainings for staff.

***The establishment of a network of satellite services is advantageous for resolving disputes in local communities.*** BPCM built mediation and organizational development skills directly into local community centers in Elektrenai and Siauliai municipalities. As a result, these communities have well functioning satellite mediation services, and each has focused on its own area of expertise. These institutions are familiar with the local environment and can best deliver services to their constituents directly, rather than referring to BPCM's service in Vilnius; in turn, citizens are more comfortable using local services because of the proximity and familiarity with social workers. Further, the development of these satellites has allowed BPCM to focus on Vilnius communities, though staff do actively consult with the satellites as needs arise.

***A sustainable mediation service requires time to develop diversified income sources.***

Considering that several years are necessary to fully develop a mediation service, a two-year grant represents just the beginning of the funding necessary to maintain the service. Thus, early on in the grant period, BPCM pursued fee-for-service activities to supplement USAID funds, and now receives a significant number of income generating contracts through conducting mediation trainings for government institutions, NGOs, and businesses. Further, its public policy efforts to institutionalize mediation through legislation will go a long way in determining the future of the service and mediation field in general.

## **II. HUNGARY**

### **A. OBJECTIVES**

Partners and PHF pursued the following objectives under this component of the program:

- Strengthen the capacity of the NMA through a cooperative planning process that convenes diverse mediation professionals to address organizational structure, standards, and initiatives
- Build a diverse membership base for the NMA through outreach and recruitment activities
- Develop an NMA certification and standardization program that creates a nationwide panel of mediators with recognized qualifications
- Implement public policy initiatives that promote the institutionalization of mediation in Hungary in different fields, including healthcare, and the recognition of mediator standards
- Disseminate mediation skills through a comprehensive training program
- Explore the development of a mediation graduate/post-graduate program in cooperation with local universities

## **B. ACCOMPLISHMENTS**

Partners and PHF built the National Mediation Association (NMA), a locally registered organization in Hungary, out of the country's disparate mediation efforts. With nearly 350 professional members from diverse backgrounds throughout the country, the NMA has a sophisticated structure led by a Presidency Committee of rotating members and decentralized committees that cover issues such as education, local government, and outreach. The NMA Presidency and other committees hold regular meetings at which members discuss association issues, plan upcoming events, and coordinate activities and cooperative programs. Further, the NMA developed a logo and standard image for its materials, and disseminates a regular newsletter containing organizational information, resources on mediation and conflict resolution, training opportunities, and notices of upcoming conferences.

The NMA and PHF convened two annual General Assembly conferences during the grant period. At the first Assembly in early 2002, 120 participants attended from across the country; by early 2003, attendance nearly doubled for the second Assembly, which included 222 professionals. The diverse participants represented national Ministries, local and international NGOs, and the commercial sector. Each Assembly included international mediation experts, facilitated discussion groups on field-specific issues, question-and-answer sessions to debate issues, and the sharing of lessons learned and international experiences.

The NMA and PHF completed an extensive outreach campaign to build awareness of mediation throughout the country. Members wrote articles in newspapers, journals and magazines; conducted interviews on radio programs; published books and training manuals on mediation and other conflict resolution skills; and participated in local and international conferences to promote mediation and share lessons learned. In addition, PHF has developed educational materials for wide dissemination to reach new constituents.

To complement these outreach activities, the NMA and PHF disseminated mediation skills through delivering a range of trainings to diverse organizations and professionals. Beneficiaries included the Ministry of Social and Family Affairs, numerous departments from the ELTE University in Budapest, Central European University, Budapest Teacher's College, Hungarian Academy of Science, Budapest Police Academy, Mayor's Office in Eger, Szazadveg Political School, Fazekas & Co. law firm, Pedamoka Foundation, Hungarian prisons, family care centers, child protection agencies, civil servants, labor-management professionals, lawyers, psychologists, and Roma minority leaders. In addition, PHF and the NMA are working with the Postgraduate Training Center for Police to introduce victim-offender mediation to Hungary, and have founded a local NGO to lead the movement.

The major work of NMA members under the program was the promotion of public policies at the national level that institutionalize mediation as an official dispute resolution process. Throughout the grant period, members worked closely with the Ministries of Justice and Social & Family Affairs to promote favorable legislation. During the grant period, the government assigned mediators an "OKJ number," which is required for mediation to be recognized as an official profession in Hungary. In the area of healthcare policy, NMA members are now listed as official mediators in health care disputes and received formal consultative status to educate new

mediators. Meanwhile, the Ministry of Justice passed Mediation Law LV into the national Civil Code. Though the law provides a strong recognition of mediation, it lacks many of the characteristics promoted by the NMA, which was formally consulted by the Ministry and provided a series of recommendations. The major issues of concern to NMA members include protecting mediator rights, maintaining the decentralization and neutrality of the field, and upholding clearly delineated standards for mediator qualifications. Despite the strong efforts by NMA members, the law stipulates only vague standards for mediators; fortunately, the law must be reviewed after two years, so the NMA continues to promote its recommendations.

Further, the NMA and PHF supplemented these public policy initiatives with strategic partnerships with a number of Hungarian universities to develop recognized standards for mediators through accredited trainings. These universities included Szeged, Pecs and Pázmány Péter Catholic University. The NMA has cooperated to deliver government-accredited training programs, and continues to work to develop a graduate or post-graduate program of study to train and certify mediators. Further, PHF led the NMA's development of a Professional Ethical Code of Mediators that details the basic rights and duties for mediators across Hungary, emphasizes the legal regulations and moral responsibilities of mediators, and protects the disputants and institutions involved in mediating processes.

### C. LESSONS LEARNED

***A national coalition is a successful strategy to unite disparate efforts and initiate cooperation, rather than competition, in developing the rule of law.*** In just two-three years, the NMA has established itself as the country's central authority on mediation and has gathered key professionals and experts on mediation under one umbrella association. As a result of its burgeoning status, the Ministries of Justice and Social & Family Affairs, the courts, and other official institutions seek out NMA members' opinions and recommendations on public policy.

***The general public's awareness of mediation is effectively increased through both targeted and broad-based outreach efforts.*** NMA and PHF outreach efforts have been tremendously successful in increasing awareness of mediation among the general public. NMA members have published extensively in journals and general publications, and PHF has highlighted mediation in radio and television programs and debates. PHF's ongoing outreach campaign includes 4,000 street posters to further reach the general public. Following the passage of Mediation Law LV and the outreach campaign, the use of mediation is likely to increase for general community disputes; in areas such as family issues, mediation has already been growing due to increased exposure.

***Partnership between a local organization and national association is an effective implementation strategy.*** PHF and the NMA complemented one another well throughout the program. PHF provided capacity building opportunities, convened meetings and conferences, mobilized local and international experts, and functioned as the initiator of NMA activities. Meanwhile, the NMA provided the neutral organizational structure that was needed to coalesce the diverse membership. Further, the NMA's decentralized structure allowed for PHF staff to serve equally with the other members, and explicit decision-making processes provided clarity of authority. Certain challenges did arise when PHF and another member independently developed

new programs with overlapping objectives, but these situations were easily resolved through the NMA's communication channels; without this structure, most likely the programs would have competed rather than cooperated. PHF will remain a leader of the NMA well into the future.

***The development of officially recognized standards for mediators requires time and the cooperation of diverse stakeholders.*** NMA members worked throughout the grant period to develop national standards for mediators. Due to competing legislation and the often divergent interests of the government, NGOs and universities, these standards have not crystallized as yet. However, the NMA and PHF continue to work with Ministries and universities to develop accredited courses and a program of study for potential mediators; certainly, the NMA's position as a representative for the entire mediation field allows such strategic partnerships. Further, NMA members articulated and drafted an Ethical Code for Mediators as a guide for the profession.

***The institutionalization of mediation through national-level legislation requires significant time and relationship building.*** The Ministry of Justice actively sought the opinions of the NMA during its review of the Mediation Law LV, yet still passed the legislation without incorporating members' recommendations. Though the NMA's criteria were inserted into the draft law, they were deleted from the final version, apparently as a result of last minute lobbying by parliamentary committees with competing interests. Clearly, influencing national public policy is difficult and requires a long-term investment in relationship building with diverse stakeholders. The NMA succeeded in legitimizing mediation as a dispute resolution process and earning the profession a tax code, but the Ministry largely ignored its recommendations on mediator standards and now stipulates only vague criteria (a diploma and five years of experience in any field). The legislation must be reviewed in two years, however, so the NMA continues to work to promote its position.

***Partnerships with universities are critical to institutionalizing the mediation field and establishing national standards.*** PHF and the NMA have developed strategic partnerships with the University of Pecs to teach a course on mediation in the healthcare field, as well as with Szeged University, Hungarian Academy of Science and Pázmány Péter Catholic University to implement courses for standard mediation qualifications. The recently adopted Mediation Law LV somewhat undermines these efforts, in that it requires insufficient credentials for mediators, but PHF and the NMA continue to work to improve this legislation. The NMA is also concerned about the potential for the number of trained mediators to outdistance the generation of cases; as a result, its mission to provide a venue for the growing profession is increasingly important.

***The sustainability of a national association is tied to its membership.*** Following the conclusion of the grant period, the Presidency Committee and PHF staff are working for the NMA on a voluntary basis. The Committee is discussing next steps and already planning for its annual General Assembly and Conference in 2004, but will require additional support to continue in the long-term, which will likely come from its membership of 350 professionals. Clearly, the NMA needs to continue to grow and meet the needs of its constituents, who are increasingly invested in the success of the association through cooperative activities and public policy promotion.



### **III. GENERAL**

#### **A. OBJECTIVES**

In addition to providing technical assistance and monitoring and evaluating the program, Partners pursued the following cross-cutting objectives:

- Build the capacity of BPCM and PHF in mediation service delivery and national association formation
- Pursue the sustainability of partnerships with BPCM and PHF, as well as their respective mediation initiatives
- Facilitate information-sharing opportunities between BPCM and PHF

#### **B. ACCOMPLISHMENTS**

Throughout the grant period, Partners' U.S. based staff worked with BPCM and PHF to manage the program, provide technical assistance, and monitor and evaluate results and impact. Initially, Partners worked to recruit sufficient staffing, both programmatic and financial, to manage program implementation. Partners also designed and coordinated the major capacity building component, a five-day training at the San Diego Mediation Center on mediation service development and association formation.

In addition to the capacity building activity, Partners facilitated several cross-border opportunities for both BPCM and PHF. These included a site visit by U.S. mediation service development experts to Lithuania, an evaluative trip by organizational experts from Partners' Slovak Center, a mediation skills training in Vilnius by the Director of Partners-Poland, a site visit by representatives from the Lithuanian satellite services to Poland, a training-of-trainers in Vilnius by Slovak practitioners, and U.S. and European experts participating in a conference in Budapest on mediation. Partners' staff also completed numerous site visits to Lithuania and Hungary to provide targeted assistance on work plan development, financial management, outreach, fundraising and monitoring and evaluation.

Further, BPCM and PHF participated in several meetings of Partners for Democratic Change International (PDCI), the network that links Partners and Centers through a common mission and values of democratic change, working to build capacity, cooperation, and sustainability among its members. During the grant period, all members of PDCI reached consensus on and signed a landmark Partnership Charter that officially unites members through clearly articulated value and vision statements, as well as a set of benefits and responsibilities of membership in the Partnership. These include participation in Partners' newly launched Knowledge Management System, providing pro bono services and capacity building to members, conducting annual organizational needs assessments, promoting a unified image and identity, and contributing to a fund to sustain the Partnership.

### C. LESSONS LEARNED

***Partnership between an international NGO and a local organization is mutually beneficial and promotes sustainability.*** Building upon long-standing relationships, Partners fostered a collaborative program with both BPCM and PHF. Through these synergistic relationships, the organizations cooperated to develop work plans, build organizational capacity, develop internal systems and protocols, monitor and evaluate outcomes and impact, and manage finances. These partnerships will continue long into the future through mutual interest and ongoing collaborative programs.

***The exchange of expertise across countries and cultures is tremendously useful and promotes cooperation and integration of lessons learned.*** Partners provided a range of opportunities under the Joint Activities component of the program that linked BPCM and PHF's work. Staff from both organizations participated in the initial capacity building training at the San Diego Mediation Center, and also met at the NMA's Second Annual General Assembly & Conference in 2003. Partners also mobilized expertise from its Slovak and Polish centers on several occasions to advance the program. Further, both BPCM and PHF benefited from membership in Partners for Democratic Change International (PDCI), the international network of local Centers and Partners offices in the U.S. that facilitates the exchange of knowledge and materials. Through PDCI, BPCM and PHF had numerous opportunities to share lessons learned, cross-fertilize skills, develop new cooperative programs, and build strong linkages for future collaboration, as well as meet with Partners' staff to strategize on organizational and programmatic issues.

### IV. CONCLUSION

Under this two-year grant from USAID, Partners has cooperated with its local partners to implement a highly successful program that exceeded the original grant terms. In Lithuania, Partners and BPCM have established a sustainable mediation service that receives approximately 40 cases/year and have disseminated conflict management skills to diverse sectors, resulting in satellite services in two local communities, a professional panel of mediators, and the promotion of public policies that institutionalize mediation in the country. In Hungary, Partners and PHF have built an impressive National Mediation Association with nearly 350 diverse members and a strong position through which to promote public policy and develop partnerships with government, universities and NGOs. Further, Partners has advanced its partnerships with BPCM and PHF, and also completed several cross-border initiatives that transferred skills and shared lessons learned among its international network of local partners.

Partners, BPCM and PHF would like to thank USAID for its support throughout the grant period.